

## **REMARKS**

### **1. Summary of the Office Action**

In the Office Action mailed January 8, 2007, the Examiner objected to claims 3, 12, and 19-20 for claim informalities, and rejected claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,740,549 (Reilly et al.). Further, the Examiner indicated the abstract of the disclosure is too short and does not disclose any relevant information with respect to the disclosure.

### **2. Amendments and Pending Claims**

Applicant has amended the specification by adding a new section heading and a new paragraph. Support for the amendment to the specification is located in original claims 1 and 12.

Applicant has amended the abstract. Support for the amendment to the abstract is located in the specification at page 6, first paragraph, lines 8-10; page 21, 2<sup>nd</sup> full paragraph, lines 1-3; and original claims 1, 12, and 19.

Applicant has amended claims 1-2, 15-16, and 20, cancelled claims 3-4, 12, and 19, and added new claim 21. Claims 1-2, 5-11, 13-18, and 20-21 are pending. Claims 1 and 20 are independent.

Support for the amendments to claims 1 and 20 is located in specification at page 3, 5<sup>th</sup> paragraph, lines 6-8; page 7, first full paragraph, lines 4-5; page 7, 3<sup>rd</sup> full paragraph, line 4 to page 8, first paragraph line 10; page 10, 2<sup>nd</sup> full paragraph, lines 1-11; page 21, 2<sup>nd</sup> full paragraph, lines 1-3; and original claim 4.

Support for new claim 21 is located in the specification at page 21, 2<sup>nd</sup> full paragraph, lines 1-3.

### **3. Payment of Fees**

Applicant believes that no additional fee is required. However, should any fee(s) be required under 37 C.F.R. §§ 1.16-1.21, the Patent Office is hereby authorized to charge such fee(s) to Deposit Account No. 13-2490.

Further, the Patent Office is hereby generally authorized under 37 C.F.R. § 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 C.F.R. § 1.53 requiring an extension of time as incorporating a request therefore, and the Patent Office is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.

### **4. Response to the Claim Objections**

The Examiner objected to claims 3, 12, and 19, which Applicant has now cancelled. Applicant submits the objection of claims 3, 12, and 19 is now moot, and Applicant accordingly requests that the Examiner withdraw the objection of claims 3, 12, and 19.

The Examiner objected to claim 20 because it recited “determining that that the system.” Applicant’s amendment to claim 20 includes deleting the phrase “determining that that the system should enter pause mode.” Applicant believes that the amendments to claim 20 overcome the Examiner’s objection to claim 20, and Applicant accordingly requests that the Examiner withdraw the objection of claim 20.

### **5. Response to Claim Rejections**

The Examiner rejected claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by Reilly et al. Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Applicant has cancelled claims 3-4, 12, and 19. Applicant submits the rejection of claims 3-4, 12, and 19 is now moot, and Applicant accordingly requests that the Examiner withdraw the rejection of claims 3-4, 12, and 19.

Applicant respectfully traverses the anticipation rejection of pending claims 1-2, 5-11, 13-18, and 20, because Reilly et al. does not disclose or suggest each and every element as recited in any of these claims. In particular, Reilly et al. does not teach or suggest entering a pause mode *in response to a user action*, and after entering the pause mode, displaying paused content on a display of the video replay system during a time delay greater than zero seconds and, after the time delay has elapsed, displaying the ad on the display of the video replay system, as recited in claims 1 and 20.

At best, Reilly et al. discloses (i) an information display controller in each workstation displays on the workstation's display device at least a subset of the information items and advertisements stored in local memory when the workstation meets predefined idleness criteria, and (ii) generally, whenever the system *detects a lack of user inputs* via either keyboard or pointer device (e.g., a mouse or trackball) for a user configurable or otherwise specified length of time (e.g., 5 minutes), the screen saver procedures begin display of news items and advertisements from the local information database. (See, e.g., Reilly et al., abstract, and col. 11, lines 43-49). (Emphasis added).

Applicant submits however, that teaching the display of advertisements on a workstation display when the workstation meets *predefined idleness criteria* and/or the display of advertisements after a system *detects a lack of user inputs* for a specified length of time, does not teach or suggest entering a pause mode *in response to a user action* after entering the pause mode, displaying paused content on a display of the video replay system during a time delay greater than

zero seconds and, after the time delay has elapsed, displaying the ad on the display of the video replay system, for at least the reason that a ***predefined idleness criteria*** and/or ***detecting a lack of user inputs*** for a specified length of time does not amount to entering a pause mode ***in response to a user action***.

Further, in rejecting claims 1-20, the Examiner stated “[t]he system disseminates information and advertisements to subscribers’ computers, wherein the information and advertisements are automatically displayed when the subscriber’s computer is on, but meets predefined idleness criteria. For example, the ***predefined idleness criteria (pause conditions)*** could be the ***failure to receive any input*** for a period of at least five minutes, greater than zero seconds.” (Office Action, page 4, first full paragraph, lines 5-10, emphasis added). The Examiner cited to Reilly et al., col. 2, lines 28-34.

Although the portion of Reilly et al. relied on by the Examiner teaches a system automatically disseminates information and advertisements when predefined idleness criteria (such as the failure to receive any input for a period of at least five minutes) has been met, this portion of Reilly et al. does not teach or suggest entering a pause mode ***in response to a user input*** and after entering the pause mode, displaying paused content on a display of the video replay system during a time delay greater than zero seconds and, after the time delay has elapsed, displaying the ad on the display of the video replay system.

Because Reilly et al. does not teach or suggest each and every element of claims 1 and 20, Reilly et al. fails to anticipate claims 1 and 20 under 35 U.S.C. § 102(b). Further, because each of claims 2, 5-11, 13-18, and 21 depend from claim 1, Reilly et al. necessarily fails to anticipate claims 2, 5-11, 13-18, and 21 as well.

**6. Conclusion**

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-2, 5-11, 13-18, and 20-21 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all the pending claims.

Respectfully submitted,

**McDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP**

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By: David L. Ciesielski  
David L. Ciesielski  
Reg. No. 57,432